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SECRETARIAT  
OF  
THE ODISHA LEGISLATIVE ASSEMBLY  
NOTIFICATION

The 13th December, 2024

No.7758/L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the dated 6th December, 2024 is here with published under Rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA MUNICIPAL (AMENDMENT) BILL, 2024**  
**(BY SOUVIC BISWAL, M.L.A)**

**A**  
**BILL**

**FURTHER TO AMEND THE ODISHA MUNICIPAL ACT, 1950**

BE it enacted by the Legislature of the State of Odisha in the Seventy-fifth Year of the Republic of India, as follows:

Short title and  
Commencement

1. (1) This Act may be called the Odisha Municipal (Amendment) Act, 2024

(2) It shall come into force on such date as the State Government may by notification, appoint.

**2. In the Odisha Municipal Act, 1950,**

(i) the following words of Section 54 (1) shall be deleted, namely:-

"and with effect from the date of passing of the resolution the person holding the office of Chairperson or Vice-Chairperson, as the case may be, shall be deemed to have vacated such office. In the event of both Chairperson and Vice-Chairperson vacating office the District Magistrate or his nominee shall discharge the responsibilities of the Chairperson till a new Chairperson is elected."

(ii). The provision of Section 54(2)(a) shall be substituted by the following, namely:—

(a) no such meeting shall be convened except on a requisition signed by at least one-third of the total number of Councilors along with a copy of the resolution of proposed to be moved at the meeting whereas the requisition shall set out the reasons for which the proposed no confidence motion is moved;

(iii). The provision of Section 54(2)(c) shall be substituted by the following namely:—

"(c) the District Magistrate shall, within 10 days of receipt of such requisition, fix the date (which shall not be less than a period of 30 days), hour and place of such meeting and give notice of the same to all the Councilors holding office on the date of such notice and the Chairperson against whom the no confidence motion is proposed to be moved along with a copy of the resolution and of the proposed resolution";

(iv). The following shall be inserted after 54(2)(c) and be numbered as Section 54(2)(d), namely:—

"On receipt of the notice from the District Magistrate, the Chairperson shall submit a written explanation as to why he shall not be removed from the post of Chairperson/Vice-Chairperson 7 days prior to the date so fixed by the District Magistrate and he shall be afforded an opportunity of hearing before the District Magistrate on the date so fixed."

(v). The following shall be inserted after amended 54(2)(d) and be numbered as Section 54(2)(e), namely:-

"The District Magistrate after considering the requisition, resolution, written explanation and oral arguments led during the hearing shall satisfy himself as to whether the Chairperson or the Vice-Chairperson has failed to discharge the duties of his office or has acted illegally or in contravention of any of the provisions of this Act, or any rules, regulation or bye-laws, and come to a conclusion, a notification be issued as far as practicable, within two weeks from the date of receipt of the explanation, to either remove the Chairperson or as the case may be, the Vice-Chairperson or to quash the no confidence motion."

Re-numbering  
of rest of  
provisions

**3.** The remaining provisions from 54(2)(d), 54(2)(e), 54(2)(f), 54(2)(g), 54(2)(h), 54(2)(i) of the Old Act after substitution of the above shall be re-numbered as 54(2)(f), 54(2)(g), 54(2)(h), 54(2)(i), 54(2)(j), 54(2)(k) respectively

## **STATEMENT OF OBJECTS AND REASONS**

As the election criteria of the Chairperson/Vice-Chairperson has been suitably amended vide Amending Act of 2018 and the rite to elect has been given in the hands of the general electorate of the Municipality through direct elections rather than the Councilors in order to curb the menace of horse-trading and corruption, similarly, the provisions of Section 54 pertaining to No-confidence motion deserve to be looked at with the same ideology and intent as Section 54 of the Odisha Municipal Act, 1950 is now proving to be a menace and draconian legislation as the same is being misused and misutilised by rival political parties to oust the Chairpersons/Vice-Chairpersons through no-confidence motion moved by the requisite majority of councilors without there being any cogent reason. The non-compliance of unlawful demands by the Councilors is the primary reason why the Chairpersons/Vice-Chairpersons are being removed by rival political parties.

A Chairperson/Vice-Chairperson who is presently elected through direct election after the 2018 amendment bill was passed in 2022 cannot be permitted to be removed unceremoniously by adopting a casual approach and resorting to manipulations to achieve ulterior purpose at the mercy of Councilors. Undoubtedly, any elected official in local self-government has to be put on a higher pedestal as against a government servant. If a temporary government employee cannot be removed on the ground of misconduct without holding a full-fledged inquiry, it is unfathomable as to how an elected office-bearer can be removed without holding a full-fledged inquiry.

While, minor punishment is permissible to be imposed while holding the inquiry as per the procedure prescribed for it but for removal a full-fledged inquiry is required otherwise it will be violative of the provisions of the Constitution of India. The present situation is to be understood in an entirely different context, that for the removal of the elected officials, a more stringent procedure and standard of proof is required.

An elected office-bearer should not be removed unless a clear and compelling case is established, as holding and performing the duties of the office is a valuable

statutory right not only for the individual office-holder but also for their constituency or electoral body. Removal may shorten the office-bearer's term and tarnish their reputation. Therefore, the statutory procedure for removal must be strictly followed, and without a clear case for dismissal, there is no justification for removal. In making this decision, the authority should be guided solely by legal and factual considerations, free from external pressures or political influence. The proceedings for removal must satisfy the requirement of natural justice and the decision must show that the authority has applied its mind to the allegations made and the explanation furnished by the elected office-bearer sought to be removed. The elected official is accountable to their electorate, as they are chosen by a significant number of voters. Removal from office carries serious consequences, not only because it disqualifies the official from contesting future elections for a specified period, but also because it deprives the people of their constituency of the right to be represented by that individual.

Accordingly, it is deemed necessary and proposed to amend the relevant provisions of Section 54 of the Odisha Municipal Act, 1950 by introducing the above proposed amendment.

The Bill seeks to achieve the above objectives.

SOUVIC BISWAL  
Member-in-charge

DASHARATHI SATAPATHY  
OSD-CUM- SECRETARY  
ODISHA LEGISLATIVE ASSEMBLY